

**TRANSMITTAL LETTER**  
**(General - Patent Pending)**

Docket No.  
01-040

In Re Application Of:  
**JOHN PACKES, JR., et al.**

Serial No.  
09/991,168

Filing Date  
November 14, 2001

Examiner  
CHERUBIN, Yveste

Group Art Unit  
3713

Title:

**DEVICE AND METHOD FOR PROVIDING PAYOUTS BASED ON ACTIVITY AND RANKS OF OTHER GAMING SESSIONS**

**RECEIVED**

TO THE COMMISSIONER FOR PATENTS:

JUN 24 2004

**OFFICE OF PETITIONS**

Transmitted herewith is:

Assertion of Small Entity, 1 pg.;  
Copy of Notice of Abandonment, 2 pp.;  
Petition for Revival of an Application for Patent Abandoned Unavoidably Under 37 CFR, 1.37(a), 3 pp., (x2);  
Exhibit "A", 11 pg.;  
Amendment & Response to faxed Office Action of October 6, 2004, 14 pp.; and Return Receipt Postcard.

in the above identified application.

- ☐ No additional fee is required.
- ☐ A check in the amount of \_\_\_\_\_ is attached.
- ☒ The Director is hereby authorized to charge and credit Deposit Account No. \_\_\_\_\_ as described below.
- ☒ Charge the amount of \$55.00
- ☒ Credit any overpayment.
- ☒ Charge any additional fee required.

50-0271

  
Signature

Dated: June 17, 2004

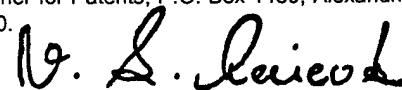
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cc:

I certify that this document and fee is being deposited  
June 17, 2004 with the U.S. Postal Service as  
first class mail under 37 C.F.R. 1.8 and is addressed to the  
Commissioner for Patents, P.O. Box 1450, Alexandria, VA  
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Signature of Person Mailing Correspondence

Veronika S. Leliever

Typed or Printed Name of Person Mailing Correspondence



Application No. 991,168  
Attorney Docket No.: 01-040

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

CUSTOMER NO. 22927

#8

**Applicants:** Packes et al.  
**Application No.:** 09/991,168  
**Filed:** November 14, 2001  
**Title:** DEVICE AND METHOD FOR PROVIDING PAYOUTS BASED  
ON ACTIVITY AND RANKS OF OTHER GAMING SESSIONS  
**Attorney Docket No.:** 01-040  
**Group Art Unit:** 3713  
**Examiner:** CHERUBIN, Yveste  
(703) 306-3027 /voice  
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JUN 24 2004  
**OFFICE OF PETITIONS**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**ASSERTION OF SMALL ENTITY STATUS**

Dear Sir:

The assignee of the above-identified application claims small entity status. This notification is made pursuant to 37 CFR §1.27.

If the Examiner has any questions about this status change, the Examiner is invited to contact the undersigned at (203) 461-7292. While no fees are believed due in connection with this paper, please charge any fees that may be required for this paper, or with any other papers filed in connection with this application to Deposit Account No. 50-0271.

Respectfully submitted,

Michael Downs

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June 17, 2004  
Date



UNITED STATES PATENT AND TRADEMARK OFFICE

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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/991,168

11/14/2001

John M. Packes JR.

01-040

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22927

7590

06/01/2004

WALKER DIGITAL  
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EXAMINER

CHERUBIN, YVESTE GILBERTE

ART UNIT

PAPER NUMBER

3713

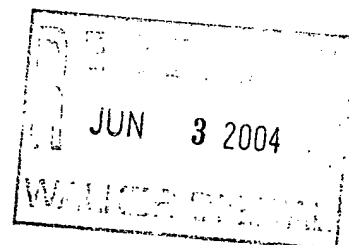
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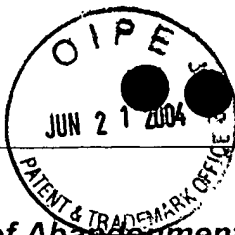
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JUN 24 2004

**OFFICE OF PETITIONS**

Please find below and/or attached an Office communication concerning this application or proceeding.





# Notice of Abandonment

Application No.

09/991,168

Examiner

Yveste G. Cherubin

Applicant(s)

PACKES ET AL.

Art Unit

3713

**RECEIVED**

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

JUN 24 2004

This application is abandoned in view of:

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1. ☒ Applicant's failure to timely file a proper reply to the Office letter mailed on 06 October 2003.
  - (a) ☐ A reply was received on \_\_\_\_\_ (with a Certificate of Mailing or Transmission dated \_\_\_\_\_), which is after the expiration of the period for reply (including a total extension of time of \_\_\_\_\_ month(s)) which expired on \_\_\_\_\_.
  - (b) ☐ A proposed reply was received on \_\_\_\_\_, but it does not constitute a proper reply under 37 CFR 1.113 (a) to the final rejection.  
(A proper reply under 37 CFR 1.113 to a final rejection consists only of: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114).
  - (c) ☐ A reply was received on \_\_\_\_\_ but it does not constitute a proper reply, or a bona fide attempt at a proper reply, to the non-final rejection. See 37 CFR 1.85(a) and 1.111. (See explanation in box 7 below).
  - (d) ☒ No reply has been received.
2. ☐ Applicant's failure to timely pay the required issue fee and publication fee, if applicable, within the statutory period of three months from the mailing date of the Notice of Allowance (PTOL-85).
  - (a) ☐ The issue fee and publication fee, if applicable, was received on \_\_\_\_\_ (with a Certificate of Mailing or Transmission dated \_\_\_\_\_), which is after the expiration of the statutory period for payment of the issue fee (and publication fee) set in the Notice of Allowance (PTOL-85).
  - (b) ☐ The submitted fee of \$\_\_\_\_\_ is insufficient. A balance of \$\_\_\_\_\_ is due.  
The issue fee required by 37 CFR 1.18 is \$\_\_\_\_\_. The publication fee, if required by 37 CFR 1.18(d), is \$\_\_\_\_\_.
  - (c) ☐ The issue fee and publication fee, if applicable, has not been received.
3. ☐ Applicant's failure to timely file corrected drawings as required by, and within the three-month period set in, the Notice of Allowability (PTO-37).
  - (a) ☐ Proposed corrected drawings were received on \_\_\_\_\_ (with a Certificate of Mailing or Transmission dated \_\_\_\_\_), which is after the expiration of the period for reply.
  - (b) ☐ No corrected drawings have been received.
4. ☐ The letter of express abandonment which is signed by the attorney or agent of record, the assignee of the entire interest, or all of the applicants.
5. ☐ The letter of express abandonment which is signed by an attorney or agent (acting in a representative capacity under 37 CFR 1.34(a)) upon the filing of a continuing application.
6. ☐ The decision by the Board of Patent Appeals and Interference rendered on \_\_\_\_\_ and because the period for seeking court review of the decision has expired and there are no allowed claims.
7. ☐ The reason(s) below:

JESSICA HARRISON  
PRIMARY EXAMINER

Petitions to revive under 37 CFR 1.137(a) or (b), or requests to withdraw the holding of abandonment under 37 CFR 1.181, should be promptly filed to minimize any negative effects on patent term.